



## The Attorney General of Texas

June 6, 1984

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Mr. John W. Davidson  
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Open Records Decision No. 415

Re: Whether documents relating  
to settlement of lawsuit  
against city public utilities  
board are excepted under the  
Open Records Act

Dear Mr. Davidson:

On December 24, 1981, a lawsuit was filed against the Public Utilities Board of the city of Brownsville. Robert Driggers v. Public Utilities Board, Docket No. 81-3023, Dist. of Cameron County, 103rd Judicial Dist. of Texas, Dec. 24, 1981. On May 16, 1983, the plaintiff in this suit accepted the defendants' offer of settlement. On June 21, the parties executed the formal settlement documents.

A reporter for a local newspaper has requested copies of the following information:

1. Any and all documents, memoranda and correspondence pertaining to the settlement of [this case].

2. Any and all documents specifying the dollar amount and other considerations that may have been included in the settlement of said case, and all documents specifying the amount of attorneys' fees charged and/or paid in connection with said case since July 1981.

3. Any and all documents specifying the amount deductible required of [the Public Utilities Board] by its insurance carrier(s) as part of payment of said settlement.

You contend that the information in the first two categories is within sections 3(a)(1), 3(a)(3), and 3(a)(7) of the Open Records Act, article 6252-17a, V.T.C.S. We understand that you do not seek to withhold the information in the third category.

Section 3(a)(7) excepts from disclosure

matters in which the duty of the Attorney General of Texas or an attorney of a political subdivision, to his client, pursuant to the Rules and Canons of Ethics of the State Bar of Texas are prohibited from disclosure, or which by order of a court are prohibited from disclosure. (Emphasis added) (Footnote omitted).

The order of dismissal in this case, which was signed by the judge of the 103rd District Court, expressly provides that "the terms of the settlement shall not be disclosed by the parties or their attorneys." Although we have grave doubts as to whether the judge was authorized to issue an order of this nature, the fact remains that the order is extant. In light of this, we must reluctantly conclude that the requested materials are excepted from required disclosure by section 3(a)(7).

Very truly yours,



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